

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Joseph P.,

File No. 18-cv-00291 (ECT/LIB)

Plaintiff,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

Andrew Saul, Commissioner of Social
Security,¹

Defendant.

Plaintiff Joseph P. commenced this action by filing a complaint seeking judicial review of an administrative decision to deny social security benefits. *See* Compl. [ECF No. 1]. The case is before the Court on the May 13, 2019 Report and Recommendation [ECF No. 23] issued by Magistrate Judge Leo I. Brisbois. Magistrate Judge Brisbois recommends granting the Defendant Commissioner of Social Security's motion for summary judgment because the administrative "decision that Plaintiff was not disabled as defined by the Social Security Administration Act was supported by substantial evidence in the record as a whole." R&R at 25. Joseph P. filed objections to the Report and Recommendation. ECF No. 29. Defendant responded to those objections. ECF No. 30. Because Joseph P. has objected, the Court is required to review the Report and

¹ The current Commissioner of Social Security Andrew Saul is substituted for former Acting Commissioner Nancy Berryhill, because a "[public] officer's successor is automatically substituted as a party" and "[l]ater proceedings should be in the substituted party's name." Fed. R. Civ. P. 25(d).

Recommendation de novo pursuant to 28 U.S.C. § 636(b)(1) and Local Rule 72.2(b)(3). The Court has undertaken that de novo review and has concluded that Magistrate Judge Brisbois's analysis and conclusions are correct.

Therefore, based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Objections to the Report and Recommendation [ECF No. 29] are **OVERRULED;**
2. The Report and Recommendation [ECF No. 23] is **ACCEPTED** in full;
3. Plaintiff's Motion for Summary Judgment [ECF No. 13] is **DENIED;**
4. Defendant's Motion for Summary Judgment [ECF No. 16] is **GRANTED;**
5. The action is **DISMISSED WITH PREJUDICE.**

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: August 21, 2019

s/ Eric C. Tostrud
Eric C. Tostrud
United States District Court